

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	MB Docket No. 12-152, CSR-8649-E
	)	MB Docket No. 12-159, CSR-8650-E
Comcast Cable Communications, LLC on behalf	)	MB Docket No. 12-160, CSR-8651-E
of its subsidiaries and affiliates	)	MB Docket No. 12-161, CSR-8652-E
	)	MB Docket No. 12-162, CSR-8653-E
Petitions for Determination of Effective	)	MB Docket No. 12-163, CSR-8654-E
Competition in Communities in New Jersey	)	MB Docket No. 12-164, CSR-8655-E
	)	MB Docket No. 12-165, CSR-8656-E
	)	MB Docket No. 12-166, CSR-8657-E
	)	MB Docket No. 12-180, CSR-8668-E
	)	MB Docket No. 12-183, CSR-8671-E
	)	MB Docket No. 12-190, CSR-8675-E

**MEMORANDUM OPINION AND ORDER**

**Adopted: March 21, 2016**

**Released: March 21, 2016**

By the Senior Deputy Chief, Policy Division, Media Bureau:

**I. INTRODUCTION AND BACKGROUND**

1. Comcast Cable Communications, LLC, hereinafter referred to as Petitioner, has filed with the Commission petitions pursuant to Sections 76.7, 76.905(b)(2) and 76.907 of the Commission's rules for a determination that Petitioner is subject to effective competition in the communities listed on Attachment A (the "Communities"). Petitioner alleges that its cable systems serving the Communities are subject to effective competition pursuant to Section 623(l)(1)(B) of the Communications Act of 1934, as amended ("Communications Act"),<sup>1</sup> and the Commission's implementing rules,<sup>2</sup> and that it is therefore exempt from cable rate regulation in the Communities because of the competing service provided by two direct broadcast satellite ("DBS") providers, DIRECTV, Inc. ("DIRECTV") and DISH Network ("DISH"), and in certain communities also by Verizon New Jersey Inc. ("Verizon"). The Division of Rate Counsel of the State of New Jersey ("DRC") filed a motion to dismiss the petitions that used Verizon subscribership data because there was no protective order in place to maintain the confidentiality of the information.<sup>3</sup> The Media Bureau subsequently adopted a protective order and dismissed the motion.<sup>4</sup> The DRC filed comments opposing the petitions in CSR-8653-E and CSR-8654-E,<sup>5</sup> to which Petitioner filed replies.<sup>6</sup> The DRC also filed a separate consolidated motion to dismiss all the other

<sup>1</sup> See 47 U.S.C. § 543(l)(1)(B).

<sup>2</sup> 47 C.F.R. § 76.905(b)(2).

<sup>3</sup> New Jersey Division of Rate Counsel, Motion to Dismiss, MB Docket Nos. 12-152, 12-159, 12-160, 12-161, 12-164, 12-165, 12-166, 12-180, 12-183 and 12-190 (filed Jul. 25, 2012).

<sup>4</sup> See *Comcast Cable Communications, LLC; Petitions for Determination of Effective Competition in Communities in New Jersey*, Order, 27 FCC Red 15940 (MB Dec. 20, 2012) (adopting a protective order that Verizon submitted to keep confidential subscribership data that Petitioner obtained from Verizon to support its petitions).

<sup>5</sup> New Jersey Division of Rate Counsel, Comments in Opposition to Petitions, MB Docket Nos. 12-162 and 12-163 (filed Aug. 13, 2012) ("Opposition").

<sup>6</sup> Comcast Cable Communications, LLC, Reply to Opposition, MB Docket Nos. 12-162 and 12-163 (filed Aug. 28, 2012) ("Comcast Reply to Opposition"). Petitioner withdrew its effective competition petition with regard to the

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petitions,<sup>7</sup> to which Petitioner filed an opposition<sup>8</sup> and the DRC filed a reply.<sup>9</sup> Bordentown Township submitted a resolution opposing Petition CSR-8655-E.<sup>10</sup> Lawrence Township also filed a “formal objection” requesting that Petition CSR-8668-E be denied.<sup>11</sup>

2. In June 2015, a Commission order adopted a rebuttable presumption that cable operators are subject to one type of effective competition, commonly referred to as competing provider effective competition.<sup>12</sup> Accordingly, in the absence of a demonstration to the contrary, the Commission now presumes that cable systems are subject to competing provider effective competition, and it continues to presume that cable systems are not subject to any of the other three types of effective competition, as defined by Section 623(l) of the Communications Act and Section 76.905 of the Commission’s rules.<sup>13</sup> For the reasons set forth below, we grant Comcast’s petitions.

## II. THE COMPETING PROVIDER TEST

3. Section 623(l)(1)(B) of the Communications Act provides that a cable operator is subject to effective competition if the franchise area is (a) served by at least two unaffiliated multichannel video programming distributors (“MVPDs”), each of which offers comparable video programming to at least 50 percent of the households in the franchise area; and (b) the number of households subscribing to programming services offered by MVPDs other than the largest MVPD exceeds 15 percent of the households in the franchise area.<sup>14</sup> This test is referred to as the “competing provider” test. Pursuant to the *Effective Competition Order*, absent evidence to the contrary, the Commission presumes that the competing provider test is met.

### A. The First Part

4. The first part of this test has three elements: the franchise area must be “served by” at least two unaffiliated MVPDs who offer “comparable programming” to at least “50 percent” of the

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communities of Lebanon, NJ and Weymouth, NJ because the Commission has made effective competition findings in those communities. See Comcast Reply to Opposition in CSR 8653-E at 1 n.1; Comcast Reply to Opposition in CSR 8654-E at 1 n. 1.

<sup>7</sup> New Jersey Division of Rate Counsel, Motion to Dismiss, MB Docket Nos. 12-152, 12-159, 12-160, 12-161, 12-164, 12-165, 12-166, 12-180, 12-183 and 12-190 (filed Feb. 8, 2013) (“Consolidated Motion to Dismiss”).

<sup>8</sup> Comcast Cable Communications, LLC, Opposition to Motion to Dismiss, MB Docket Nos. 12-152, 12-159, 12-160, 12-161, 12-164, 12-165, 12-166, 12-180, 12-183 and 12-190 (filed Feb. 19, 2013) (“Opposition to Consolidated Motion to Dismiss”).

<sup>9</sup> New Jersey Division of Rate Counsel, Reply on Motion to Dismiss, MB Docket Nos. 12-152, 12-159, 12-160, 12-161, 12-164, 12-165, 12-166, 12-180, 12-183 and 12-190 (filed Feb. 27, 2013) (“Reply to Opposition to Consolidated Motion to Dismiss”).

<sup>10</sup> Township Committee of the Township of Bordentown, Resolution #2013-028-24A, Resolution Opposing Any Determination That There is Effective Competition For Cable Television Internet and Phone Services in the Township of Bordentown (appended to Letter from Colleen M. Eckert, Township Clerk, to Federal Communications Commission (Jan. 31, 2013)) (“Bordentown Opposition”).

<sup>11</sup> Formal objection by the Township of Lawrence, Mercer County, New Jersey to the grant of the Petition by Comcast Cable Communications, LLC (July 20, 2012) (“Lawrence Opposition”).

<sup>12</sup> See *Amendment to the Commission’s Rules Concerning Effective Competition; Implementation of Section 111 of the STELA Reauthorization Act*, Report and Order, 30 FCC Rcd 6574 (2015) (“*Effective Competition Order*”).

<sup>13</sup> See 47 U.S.C. § 543(l)(1); 47 C.F.R. §§ 76.905(b), 76.906.

<sup>14</sup> 47 U.S.C. § 543(1)(1)(B); see also 47 C.F.R. § 76.905(b)(2).

households in the franchise area.<sup>15</sup> As explained in the *Effective Competition Order*, “we find that the ubiquitous nationwide presence of DBS providers, DIRECTV and DISH, presumptively satisfies the” first part of the test for competing provider effective competition, absent evidence to the contrary.<sup>16</sup> The DRC argues that the two DBS providers do not provide comparable programming because they do not offer public, educational, and government (“PEG”) channels.<sup>17</sup> The “comparable programming” element of the competing provider test does not contain any PEG requirement, but rather, it is met if a competing provider offers at least 12 channels of video programming, including at least one channel of nonbroadcast service programming.<sup>18</sup> Moreover, the DRC’s argument fails to rebut the new presumption of competing provider effective competition because we now presume that DBS providers, DIRECTV and DISH, provide comparable programming.<sup>19</sup> In accordance with the presumption of competing provider effective competition, and based on the information submitted by Petitioner and the DRC, we thus find that the first part of the test is satisfied.

## B. The Second Part

5. The second part of the competing provider test requires that the number of households subscribing to MVPDs, other than the largest MVPD, exceeds 15 percent of the households in a franchise area.<sup>20</sup> As explained in the *Effective Competition Order*, “[w]ith regard to the second prong of the test, we will presume that more than 15 percent of the households in a franchise area subscribe to programming services offered by MVPDs other than the largest MVPD.”<sup>21</sup> Below we address in turn the arguments in the DRC’s Opposition, the DRC’s Consolidated Motion to Dismiss, and the separate oppositions from the Townships of Bordentown and Lawrence, that Petitioner has not satisfied the second part of the competing provider effective competition test.

### A. The DRC’s Opposition in CSR-8653-E and CSR-8654-E

6. The DRC’s oppositions to petitions CSR-8653-E and CSR-8654-E are substantially similar and reiterate arguments by it that we have rejected in prior proceedings. First, Comcast submitted DBS subscribership totals from 2012 and U.S. Census household data from 2010, but the DRC argues that the data must be contemporaneous with each other and with the date the petition was filed.<sup>22</sup> We have previously approved the use of the most recent Census household data, even if the DBS subscribership totals are more recent.<sup>23</sup> Although we will accept more recent household data that is at

<sup>15</sup> 47 C.F.R. § 76.905(b)(2)(i).

<sup>16</sup> *Effective Competition Order*, 30 FCC Rcd at 6580-81, ¶ 8.

<sup>17</sup> Opposition in CSR-8653-E at 6; Opposition in CSR-8654-E at 6-7.

<sup>18</sup> See 47 C.F.R. § 76.905(g); see also Petition at 5; *Comcast Cable Communications, LLC In re Six Michigan Communities*, 26 FCC Rcd 3993, 3994, ¶ 5 (2011) (The Commission confirmed that “[t]he rule does not mention PEG channels, and we have repeatedly held that the absence of PEG channels from competing service does not disqualify its programming from being ‘comparable to cable operators’ for purposes of determining effective competition.”); *Cablevision of Oakland, Inc. and CSR TKR, Inc. In re Four Communities in New Jersey*, 24 FCC Rcd 1801, 1803, ¶ 7 (2009) (“The full Commission, when it adopted the definition of ‘comparable programming,’ was fully aware of PEG channels – it discussed both in the same decisions. If the full Commission had wanted PEG channels to be part of ‘comparable programming,’ it would have stated so. It did not.”).

<sup>19</sup> *Effective Competition Order*, 30 FCC Rcd at 6580-81, ¶ 8.

<sup>20</sup> 47 C.F.R. § 76.905(b)(2)(ii).

<sup>21</sup> *Effective Competition Order*, 30 FCC Rcd at 6581-82, ¶ 9.

<sup>22</sup> Opposition in CSR-8653-E at 5; Opposition in CSR-8654-E at 5-6.

<sup>23</sup> *Cable Operators’ Petitions for Reconsideration & Revocation of Franchising Authorities’ Certifications to Regulate Basic Cable Service Rates*, 9 FCC Rcd 3656, ¶ 2 (CSB 1994) (“With respect to household data, we realize (continued....)”).

least as reliable as the Census data,<sup>24</sup> the DRC did not provide any such data.<sup>25</sup> Second, the DRC asserts that the Satellite Broadcasting and Communications Association (“SBCA”) subscriber tracking reports that Petitioner relies upon do not take into account any subsequent cancellations.<sup>26</sup> We find that the information the DRC submitted as support, including a newspaper article about cord-cutting and DISH and DIRECTV quarterly reports,<sup>27</sup> does not provide evidence that any cancellations were significant enough in number to undermine the DBS penetration figures the Petitioner provided.<sup>28</sup> Third, the DRC argues that Petitioner’s “plant does not extend to the entire geography” of the franchise areas, thus “effective competition cannot be granted since such a declaration would apply to areas within the franchises that admittedly are not served by Comcast.”<sup>29</sup> The DRC provides no support for this argument, and we have previously held that the allegation that a cable operator has not built out its entire franchise area is insufficient evidence to redefine a cable operator’s franchise area for effective competition purposes.<sup>30</sup> Fourth, the DRC contends that the petitions did not include “the analysis, maps and work papers that underlie and support the calculation of DBS penetration submitted by Comcast,” which prevents the DRC from challenging the underlying numbers.<sup>31</sup> We have previously rejected this argument, and we do so again here because Petitioner filed all of the DBS and household numbers and the calculations it used to estimate DBS subscribership, as well as detailed statements from the SBCA describing how it derived the numbers that Petitioner used.<sup>32</sup> The DRC reveals no errors with the

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that in many cases 1990 census data represents the most recent data available. Accordingly, we believe that 1990 census data is an appropriate measure of households. Operators that have access to more recent data may submit such information if they so choose.”); *Comcast Cable Commc’ns, LLC, Petitions for Determination of Effective Competition in 107 Franchise Areas in New Jersey*, 24 FCC Rcd 1780, 1783-84, ¶ 13 (2009) (“[W]e have found competing provider effective competition to exist based on household and DBS subscribership data that are several years apart in time.”). See also *Subsidiaries of Cablevision Systems Corp.*, 23 FCC Rcd 14141, ¶ 13 (MB 2008) (“the most recent available Census data may be used to show the number of households in a community”); *Cablevision of Rockland/Ramapo Inc.*, 22 FCC Rcd 11487, ¶ 16 (MB 2007); *Cablevision of Raritan Valley, Inc.*, 19 FCC Rcd 6966, ¶ 6 (MB 2004) (“2000 Census data is sufficiently reliable for effective competition determinations”).

<sup>24</sup> See, e.g., *Adelphia Cable Commun.*, 22 FCC Rcd 4462, ¶ 14 (MB 2007); *Bright House Networks LLC*, 22 FCC Rcd 4390, ¶ 11 (MB 2007).

<sup>25</sup> We also dismiss again the DRC’s advocacy of a “complete when filed” rule, which apparently would prohibit late-filed updates to Petitioner’s data, and which the DRC advocates in the course of its argument that Petitioner’s data is stale. Opposition in CSR-8653-E at 5; Opposition in CSR-8654-E at 5-6. In previous proceedings, the DRC advocated such a rule, which we rejected. See *Subsidiaries of Cablevision Systems Corp.*, 23 FCC Rcd 14141, ¶¶ 21-22.

<sup>26</sup> Opposition in CSR-8653-E at 6; Opposition in CSR-8654-E at 6.

<sup>27</sup> Opposition in CSR-8653-E at 6; Opposition in CSR-8654-E at 6.

<sup>28</sup> Petitioner presented certain updated subscribership data, although it was not required to do so, and all subscriber levels still exceed the 15 percent statutory threshold. See Comcast Reply to Opposition in CSR-8653-E at 4; Comcast Reply to Opposition in CSR-8654-E at 4.

<sup>29</sup> Opposition in CSR-8653-E at 6-7; Opposition in CSR-8654-E at 7.

<sup>30</sup> *Cablevision of Patterson*, 17 FCC Rcd 17239, ¶ 4 (MB 2002); *Century Cable of Northern California, Inc.*, 14 FCC Rcd 18604, ¶ 17 (CSB 1999).

<sup>31</sup> Opposition in CSR-8653-E at 7; Opposition in CSR-8654-E at 7. Further, the cases that the DRC cites to support this argument apply to notice-and-comment rulemakings and not to an adjudication like the present matter. See *American Radio League, Inc. v. FCC*, 524 F.3d 227, 236 (D.C. Cir. 2008); *Owner-Operator Independent Drivers Ass’n Inc.*, 494 F.3d 188, 202 (D.C. Cir. 2007); *Solite Corp. v. EPA*, 952 F.2d 473 (D.C. Cir. 1991).

<sup>32</sup> See, e.g., *Comcast Cable Communications, LLC*, 24 FCC Rcd 1780, ¶¶ 16-19 (MB 2009); *Subsidiaries of Cablevision Systems Corp.*, 23 FCC Rcd 14141 at ¶¶ 19-20.

calculations. For all of the above reasons, we reject the DRC's objections that the petitions CSR-8653-E and CSR-8654-E should be denied.

### **B. The DRC's Consolidated Motion to Dismiss**

7. The DRC's Consolidated Motion to Dismiss, filed in the dockets subject to the protective order,<sup>33</sup> argues that the petitions should be dismissed for two reasons. First, the DRC argues that the Petitioner impermissibly relied on "competitively sensitive data" from Verizon in violation of the Commission's decision authorizing the transfer of spectrum from SpectrumCo LLC, which included the Petitioner, to Verizon Wireless, and the Justice Department's related Consent Decree.<sup>34</sup> We agree with Petitioner that the Consent Decree defines "competitively sensitive [Verizon] information" as "any non-public information relating to the price, terms, availability, or marketing plans of [Verizon] services," and the DRC fails to explain how the Verizon subscriber numbers submitted to support the Petitioner's effective competition demonstration fit into that definition.<sup>35</sup> Significantly, subscriber data is not included in the Consent Decree's definition of "competitively sensitive [Verizon] information."<sup>36</sup> Moreover, Verizon was compelled to provide the subscriber data to Petitioner pursuant to Section 76.907(c) of our rules.<sup>37</sup> We do not believe that the prohibitions on information sharing in the *Spectrum Decision* or the Consent Decree were intended to prohibit Verizon's disclosure of subscribership figures to cable operators as required under our rules.

8. Second, the DRC argues that the petitions do not account for potential subscriber losses between the date of the SBCA calculations and the filing of the petitions due to the impact of Hurricane Sandy on many New Jersey communities.<sup>38</sup> This argument is essentially a variant on the argument about subsequent cancellations that we rejected above.<sup>39</sup> As explained above, the DRC does not provide evidence that any cancellations were significant enough in number to undermine the DBS penetration figures the Petitioner provided. For all of the above reasons, we deny the DRC's Consolidated Motion to Dismiss.

### **C. Municipality Oppositions in CSR-8655-E and CSR-8668-E**

9. The Township of Bordentown, which is subject to the petition in CSR-8655-E, submitted a resolution claiming that it determined that substantial numbers of residents, i.e., 1699 housing units out of a total of 4360 housing units do not have access to Verizon FIOS's competitive service due to the fact that Verizon has not been willing to extend that service throughout the Township of Bordentown. The Township also discounts the fact that residents could purchase DBS service because such services do not have the same local availability channels as provided by Comcast.<sup>40</sup> Bordentown does not provide any documentation that substantiates its claim, nor, we note, is Verizon required to build out its service area

<sup>33</sup> This includes MB Docket Nos. 12-152, 12-159, 12-160, 12-161, 12-164, 12-165, 12-166, 12-180, 12-183, and 12-190.

<sup>34</sup> See *Applications of Cellco Partnership d/b/a Verizon Wireless and SpectrumCo LLC and Cox TMI, LLC for Consent to Assign AWS-1 Licenses*, 27 FCC Rcd 10698 (2012) ("*Spectrum Decision*"); *United States v. Verizon Commc'ns Inc.*, No. 1:12-cv-01354-RMC, Proposed Final Judgment, ECF No. 2-1 (D.D.C. filed Aug. 16, 2012) ("*Consent Decree*"); Consolidated Motion to Dismiss at 2-3 (citing Consent Decree at 5).

<sup>35</sup> Opposition to Consolidated Motion to Dismiss at 4.

<sup>36</sup> Consent Decree at 4.

<sup>37</sup> 47 C.F.R. § 76.907(c).

<sup>38</sup> Consolidated Motion to Dismiss at 2-3, 7.

<sup>39</sup> See *supra* ¶ 6.

<sup>40</sup> Bordentown Opposition.

beyond that mandated in its franchise agreement. Even if we were to accept Bordentown's claim, however, it would not be persuasive because Petitioner relies on the availability of DBS service from DIRECTV and DISH, and not only Verizon.<sup>41</sup> As an MVPD serving Comcast's Bordertown franchise area, Verizon's subscribers are correctly included in the calculation of whether the second part of the competing provider test is satisfied. To the extent that Bordentown is challenging the extent to which the DBS providers offer comparable programming in Bordentown as required by the competing provider test, we have already explained above that the DBS providers satisfy the comparable programming requirement.<sup>42</sup>

10. The Township of Lawrence, which is subject to the petition in CSR-8668-E, filed a "formal objection" that we will treat as an opposition to the petition. Lawrence requests, without elaboration, that the Petition be denied.<sup>43</sup> Because this objection offers no evidence refuting Petitioner's demonstration of effective competition in the Township of Lawrence, it provides no basis for denying the Petition.

#### D. Conclusion

11. For all of the above reasons, the arguments put forth by the DRC and the Townships of Bordentown and Lawrence fail to rebut the presumption of competing provider effective competition. In accordance with the presumption of competing provider effective competition, and based on the information submitted by Petitioner, the DRC, and the Townships of Bordentown and Lawrence, we thus find that the second prong of the test is satisfied.

### III. ORDERING CLAUSES

12. Accordingly, **IT IS ORDERED** that the petitions for a determination of effective competition filed in the captioned proceeding by Comcast Cable Communications, LLC, **ARE GRANTED** as to the Communities listed on Attachment A hereto.

13. **IT IS FURTHER ORDERED** that the certification to regulate basic cable service rates granted to or on behalf of any of the Communities set forth on Attachment A **IS REVOKED**.

14. This action is taken pursuant to delegated authority pursuant to Section 0.283 of the Commission's rules.<sup>44</sup>

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broecker  
Senior Deputy Chief, Policy Division, Media Bureau

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<sup>41</sup> Petition CSR-8655-E at 3-4.

<sup>42</sup> See *supra* ¶ 4.

<sup>43</sup> Lawrence Opposition.

<sup>44</sup> 47 C.F.R. § 0.283.

## ATTACHMENT A

**MB Docket No. 12-152, CSR-8649-E**  
**MB Docket No. 12-159, CSR-8650-E**  
**MB Docket No. 12-160, CSR-8651-E**  
**MB Docket No. 12-161, CSR-8652-E**  
**MB Docket No. 12-162, CSR-8653-E**  
**MB Docket No. 12-163, CSR-8654-E**  
**MB Docket No. 12-164, CSR-8655-E**  
**MB Docket No. 12-165, CSR-8656-E**  
**MB Docket No. 12-166, CSR-8657-E**  
**MB Docket No. 12-180, CSR-8668-E**  
**MB Docket No. 12-183, CSR-8671-E<sup>45</sup>**  
**MB Docket No. 12-190, CSR-8675-E**

## COMMUNITIES SERVED BY COMCAST CABLE COMMUNICATIONS LLC

Communities	CASE	CUID	CPR*	2010 Census Households	Estimated Non-Comcast MVPD Subscribers
North Arlington Borough	8649-E	NJ0298	49.37%	6,295	3,108**
Rutherford Borough	8649-E	NJ0294	49.26%	6,949	3,423
Beachwood Borough	8650-E	NJ0091	19.99%	3,682	736
Toms River Township (f/k/a Dover Township)	8650-E	NJ0160	36.64%	34,760	12,737**
Island Heights Borough	8650-E	NJ0198	43.48%	683	297**
Lakehurst Borough	8650-E	NJ0500	24.18%	881	213
South Toms River Borough	8650-E	NJ0143	25.14%	1,098	276
East Windsor Township	8651-E	NJ0397	38.66%	10,224	3,953**
Helmetta Borough	8651-E	NJ0439	30.98%	891	276**
Hightstown Borough	8651-E	NJ0414	48.99%	1,976	968**
Plainsboro Township	8651-E	NJ0344	36.24%	9,402	3,407**
Roosevelt Borough	8651-E	NJ0508	39.17%	314	123**
West Windsor Township	8651-E	NJ0530	41.30%	9,449	3,902**
Hazlet Township	8652-E	NJ0405	55.67%	7,140	3,975**
Hampton Borough	8653-E	NJ0040	25.26%	570	144
Independence Township	8653-E	NJ0314	17.68%	2,234	395
Mansfield Township	8653-E	NJ0011	21.53%	2,972	640
Washington Borough	8653-E	NJ0043	27.07%	2,623	710
Washington Township	8653-E	NJ0080	21.82%	6,237	1,361

<sup>45</sup> We note that the Commission also found in another proceeding that the communities of Hillside Township (NJ0223) and Linden City (NJ0250) are subject to effective competition. *See Comcast Cable Communications, LLC, on behalf of its subsidiaries and affiliates; Six Petitions for Determination of Effective Competition in New Jersey*, DA 16-273 (MB March 14, 2016).

Communities	CASE	CUID	CPR*	2010 Census Households	Estimated Non-Comcast MVPD Subscribers
(Morris Co.)					
Washington Township (Warren Co.)	8653-E	NJ0042	28.57%	2,380	680
Mullica Township	8654-E	NJ0609	16.81%	2,154	362
Bordertown City	8655-E	NJ0511	43.41%	1,859	807**
Bordertown Township	8655-E	NJ0461	41.34%	4,173	1,725**
Buena Borough	8656-E	NJ0467	16.19%	1,723	279
Buena Vista Township	8656-E	NJ0580	20.46%	2,786	570
Lawrence Township	8656-E	NJ0569	28.13%	1,102	310
Monroe Township	8656-E	NJ0447	27.14%	12,815	3,478**
Pilesgrove Township	8656-E	NJ0516	28.36%	1,488	422
Pittsgrove Township	8656-E	NJ0524	17.27%	3,307	571
Salem City	8656-E	NJ0038	27.12%	2,157	585**
Shiloh Borough	8656-E	NJ0468	22.73%	198	45
South Harrison Township	8656-E	NJ0526	16.96%	1,020	173
Swedesboro Borough	8656-E	NJ0497	18.98%	938	178
Upper Deerfield Township	8656-E	NJ0564, NJ0600	20.59%	2,866	590**
Waterford Township	8656-E	NJ0462	40.33%	3,692	1,489**
Woolwich Township	8656-E	NJ0513	17.13%	3,141	538
Chatham Township	8657-E	NJ0509	47.18%	3,915	1,847**
Chester Township	8657-E	NJ0574	26.97%	2,592	699**
Delaware Township	8657-E	NJ0611	20.13%	1,788	360
Long Hill Township	8657-E	NJ0495	65.25%	3,105	2,026**
Mendham Borough	8657-E	NJ0546	72.59%	1,722	1,250**
Mendham Township	8657-E	NJ0565	67.62%	1,952	1,320**
Peapack & Gladstone Borough	8657-E	NJ0547	47.13%	887	418**
Princeton Borough	8657-E	NJ0481	37.87%	3,161	1,197**
Princeton Township	8657-E	NJ0482	40.94%	6,360	2,604**
Readington Township	8657-E	NJ0493	21.54%	5,971	1,286**
Rocky Hill Borough	8657-E	NJ0577	42.86%	280	120**
Tewksbury Township	8657-E	NJ0575	28.23%	2,189	618
Union Township	8657-E	NJ0597	27.11%	1,752	475
Delaware Township	8668-E	NJ0607	20.13%	1,788	360
Ewing Township	8668-E	NJ0479	51.48%	13,171	6,780**
Hopewell Borough	8668-E	NJ0560	56.04%	778	436**
Hopewell Township	8668-E	NJ0578	54.49%	6,282	3,423**

Communities	CASE	CUID	CPR*	2010 Census Households	Estimated Non-Comcast MVPD Subscribers
Lawrence Township	8668-E	NJ0480	38.17%	12,524	4,781**
Pennington Borough	8668-E	NJ0559	62.46%	1,031	644**
West Amwell Township	8668-E	NJ0593	18.33%	1,102	202
Berkeley Heights Township	8671-E	NJ0323	49.46%	4,470	2,211**
Caldwell Borough	8671-E	NJ0193	45.94%	3,359	1,543**
Clark Township	8671-E	NJ0353	18.19%	5,562	1,012**
Essex Fells Borough	8671-E	NJ0225	54.53%	728	397**
Fanwood Borough	8671-E	NJ0369	58.24%	2,627	1,530**
Glen Ridge Borough Township	8671-E	NJ0545	27.22%	2,476	674**
Hillside Township	8671-E	NJ0223	37.85%	7,112	2,692
Linden City	8671-E	NJ0250	33.40%	14,909	4,979
Livingston Township	8671-E	NJ0162	59.42%	9,990	5,936**
Maplewood Township	8671-E	NJ0188	53.06%	8,240	4,372**
Millburn Township	8671-E	NJ0246	56.61%	6,813	3,857**
Montclair Township	8671-E	NJ0273	47.86%	15,089	7,221**
Mountainside Borough	8671-E	NJ0396	52.59%	2,468	1,298**
New Providence Borough	8671-E	NJ0324	52.52%	4,408	2,315**
Roseland Borough	8671-E	NJ0194	44.56%	2,345	1,045**
Scotch Plains Township	8671-E	NJ0352	47.85%	8,595	4,113**
Springfield Township	8671-E	NJ0272	49.27%	6,511	3,208**
Summit City	8671-E	NJ0261	50.13%	7,708	3,864**
Verona Borough Township	8671-E	NJ0187	49.99%	5,315	2,657**
West Caldwell Township	8671-E	NJ0163	56.25%	3,913	2,201**
West Orange Township	8671-E	NJ0165	51.24%	16,790	8,604**
Westfield Town	8671-E	NJ0249	64.10%	10,566	6,773**
Bellmawr Borough	8675-E	NJ0229	22.36%	4,670	1,044**
Berlin Borough	8675-E	NJ0308	40.66%	2,806	1,141**
Berlin Township	8675-E	NJ0327	44.76%	1,975	884**
Clementon Borough	8675-E	NJ0316	15.84%	2,064	327
Collingswood Borough	8675-E	NJ0209	28.86%	6,299	1,818**
Deptford Township	8675-E	NJ0267	26.25%	11,689	3,068**
Glassboro Borough	8675-E	NJ0367	34.22%	6,158	2,107**
Gloucester City	8675-E	NJ0146	20.53%	4,248	872**
Hainesport Township	8675-E	NJ0385	28.81%	2,239	645**

<b>Communities</b>	<b>CASE</b>	<b>CUID</b>	<b>CPR*</b>	<b>2010 Census Households</b>	<b>Estimated Non-Comcast MVPD Subscribers</b>
Maple Shade Township	8675-E	NJ0319	24.80%	8,525	2,114**
Medford Lakes Borough	8675-E	NJ0386	52.80%	1,483	783**
Mount Ephraim Borough	8675-E	NJ0168	26.30%	1,909	502**
Oaklyn Borough	8675-E	NJ0173	39.71%	1,725	685**
Pine Hill Borough	8675-E	NJ0347	15.37%	4,086	628**
Pitman Borough	8675-E	NJ0340	38.32%	3,489	1,337**
Voorhees Township	8675-E	NJ0321	24.84%	11,470	2,849**
West Deptford Township	8675-E	NJ0379	31.31%	8,829	2,764**
Woodbury City	8675-E	NJ0269	31.68%	4,088	1,295**
Woodbury Heights Borough	8675-E	NJ0268	38.85%	1,081	420**
Woodlynne Borough	8675-E	NJ0258	39.37%	917	361**

\*CPR = Percent of competitive penetration rate of DBS.

\*\* = Percent of competitive penetration rate of both DBS and Verizon.